

## Officer History

**Officer Name:** Angelo, Tyler

**Tax ID:** 959456

**Sex:** M

**Shield:** 21443

**Race:** White

**Rank:** POM

**Command:** 075

**DOB:** [REDACTED]

**Appt Date:** 10/07/2015

**Age:** [REDACTED]

**Tenure:** 5

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
201700961	02/06/2017	02/06/2017	Discourtesy - Action	Unsubstantiated			075
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
201902877	04/03/2019	03/28/2019	Abuse - Stop	Substantiated (Command Discipline A)			075
	04/03/2019	03/28/2019	Abuse - Gun Drawn	Unsubstantiated			075
	04/03/2019	03/28/2019	OMN - Improper use of body-worn camera	Other Misconduct			075
	04/03/2019	03/28/2019	Abuse - Frisk	Unsubstantiated			075
	04/03/2019	03/28/2019	Abuse - Failure to provide RTKA card	Substantiated (Command Discipline A)			075
	04/03/2019	03/28/2019	OMN - Failure to prepare a memo book entry	Other Misconduct			075
202003958	06/06/2020	06/05/2020	Force - Nightstick as club (incl asp & baton)				075
	06/06/2020	06/05/2020	Force - Nightstick as club (incl asp & baton)				075
	06/06/2020	06/05/2020	Force - Nightstick as club (incl asp & baton)				075
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
<b>Total Charges = 12</b>					<b>Total Cases = 5</b>		

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #12	CCRB Case #: 201902877	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thu, 03/28/2019 2:30 AM	Location of Incident: [REDACTED] Atkins Avenue	Precinct: 75	18 Mo. SOL 09/28/2020	EO SOL 5/15/2021	
Date/Time CV Reported Thu, 03/28/2019 1:34 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 04/03/2019 11:18 AM		

Complainant/Victim	Type	Home Address
1. N [REDACTED] T [REDACTED]	Comp/Victim	[REDACTED]

Witness(es)	Home Address
1. A [REDACTED] B [REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT M [REDACTED] H [REDACTED]	[REDACTED]	[REDACTED]	075 PCT
2. POM B [REDACTED] D [REDACTED]	[REDACTED]	[REDACTED]	075 PCT
3. POM Tyler Angelo	21443	959456	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A . SGT M [REDACTED] H [REDACTED]	Abuse of Authority: Sergeant M [REDACTED] H [REDACTED] stopped N [REDACTED] T [REDACTED].	A . Substantiated
B . POM B [REDACTED] D [REDACTED]	Abuse of Authority: Police Officer B [REDACTED] D [REDACTED] stopped N [REDACTED] T [REDACTED].	B . Substantiated
C . POM Tyler Angelo	Abuse of Authority: Police Officer Tyler Angelo stopped N [REDACTED] T [REDACTED].	C . Substantiated
D . POM Tyler Angelo	Abuse of Authority: Police Officer Tyler Angelo drew his gun.	D . Unsubstantiated
E . POM B [REDACTED] D [REDACTED]	Abuse of Authority: Police Officer B [REDACTED] D [REDACTED] questioned N [REDACTED] T [REDACTED].	E . Exonerated
F . SGT M [REDACTED] H [REDACTED]	Abuse of Authority: Sergeant M [REDACTED] H [REDACTED] questioned N [REDACTED] T [REDACTED].	F . Exonerated
G . POM B [REDACTED] D [REDACTED]	Abuse of Authority: Police Officer B [REDACTED] D [REDACTED] frisked N [REDACTED] T [REDACTED].	G . Substantiated
H . SGT M [REDACTED] H [REDACTED]	Abuse of Authority: Sergeant M [REDACTED] H [REDACTED] frisked N [REDACTED] T [REDACTED].	H . Unsubstantiated
I . POM Tyler Angelo	Abuse of Authority: Police Officer Tyler Angelo frisked N [REDACTED] T [REDACTED].	I . Unsubstantiated
J . POM B [REDACTED] D [REDACTED]	Abuse of Authority: Police Officer B [REDACTED] D [REDACTED] threatened to arrest N [REDACTED] T [REDACTED].	J . Substantiated
K . SGT M [REDACTED] H [REDACTED]	Abuse of Authority: Sergeant M [REDACTED] H [REDACTED] failed to provide N [REDACTED] T [REDACTED] with a business card.	K . Substantiated
L . POM B [REDACTED] D [REDACTED]	Abuse of Authority: Police Officer B [REDACTED] D [REDACTED] failed to provide N [REDACTED] T [REDACTED] with a business card.	L . Substantiated
M . POM Tyler Angelo	Abuse of Authority: Police Officer Tyler Angelo failed to provide N [REDACTED] T [REDACTED] with a business card.	M . Substantiated
N . SGT M [REDACTED] H [REDACTED]	Other: Sergeant M [REDACTED] H [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	N . Other Misconduct

Officer(s)	Allegation	Investigator Recommendation
O . POM B ■ D ■	Other: Police Officer B ■ D ■ improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	O . Other Misconduct
P . POM Tyler Angelo	Other: Police Officer Tyler Angelo improperly used his body-worn camera according to Patrol Guide Procedure 212-123.	P . Other Misconduct
Q . POM B ■ D ■	Other: Police Officer B ■ D ■ failed to prepare a memo book entry as required.	Q . Other Misconduct
R . POM Tyler Angelo	Other: Police Officer Tyler Angelo failed to prepare a memo book entry as required.	R . Other Misconduct

### Case Summary

On March 28, 2019, N [REDACTED] T [REDACTED] filed this complaint over the phone with IAB. It was received by the CCRB on April 3, 2019 under log #19-12370.

On March 28, 2019 at approximately 2:30AM, N [REDACTED] T [REDACTED] was walking near [REDACTED] Atkins Avenue in Brooklyn when Sergeant M [REDACTED] H [REDACTED], Police Officer B [REDACTED] D [REDACTED] and Police Officer Tyler Angelo stopped him (**Allegations A, B, C- Abuse of Authority: Substantiated**). PO Angelo drew his gun when approaching Mr. T [REDACTED] (**Allegation D- Abuse of Authority: Unsubstantiated**). PO D [REDACTED] and Sgt. H [REDACTED] questioned Mr. T [REDACTED] (**Allegations E and F- Abuse of Authority: Exonerated**). PO D [REDACTED] frisked Mr. T [REDACTED] (**Allegation G- Abuse of Authority: Substantiated**). Sgt. H [REDACTED] and PO Angelo frisked Mr. T [REDACTED] (**Allegations H and I- Abuse of Authority: Unsubstantiated**). PO D [REDACTED] threatened to arrest Mr. T [REDACTED] (**Allegation J- Abuse of Authority: Substantiated**). Sgt. H [REDACTED], PO D [REDACTED] and PO Angelo failed to provide Mr. T [REDACTED] with business cards (**Allegations K, L, M- Abuse of Authority: Substantiated**). Sgt. H [REDACTED], PO D [REDACTED] and PO Angelo failed to activate their body-worn cameras (**Allegations N, O, P- Other Misconduct**). PO D [REDACTED] and PO Angelo failed to prepare memo book entries regarding this incident (**Allegations Q and R- Other Misconduct**).

Mr. T [REDACTED] was not arrested or summonsed as a result of this incident.

There is no video footage capturing this incident. All of the officers were equipped with body-worn cameras at the time of the incident but did not generate BWC footage.

### Findings and Recommendations

**Allegation A- Abuse of Authority: Sergeant M [REDACTED] H [REDACTED] stopped N [REDACTED] T [REDACTED].**

**Allegation B- Abuse of Authority: Police Officer B [REDACTED] D [REDACTED] stopped N [REDACTED] T [REDACTED].**

**Allegation C- Abuse of Authority: Police Officer Tyler Angelo stopped N [REDACTED] T [REDACTED].**

Mr. T [REDACTED] stated that approximately 2:30AM on March 28, 2019, he was walking on Atkins Avenue in Brooklyn to the apartment of his girlfriend, A [REDACTED] B [REDACTED] at [REDACTED] Atkins Avenue (Board Review 01). Mr. T [REDACTED] was wearing a black jacket, a hoodie, and a black ski mask over his face; the mask covered his entire face except his eyes. Mr. T [REDACTED] was not carrying anything on his person. Mr. T [REDACTED]'s hands were in his hoodie pockets. Mr. T [REDACTED] saw an unmarked car pull up by him and either Sgt. H [REDACTED] or PO Angelo continually called out to him by saying, "Yo. Yo. Yo. My man. Excuse me." Mr. T [REDACTED] did not respond to this because he was not doing anything wrong. Mr. T [REDACTED] walked to the gate of [REDACTED] Atkins Avenue and put his hand through the gate to unlock it from the inside. The gate has a sign on it that says "No Trespassing." As soon as Mr. T [REDACTED] did this, the officers exited their vehicle and followed Mr. T [REDACTED] to the top of the stairs.

Sgt. H [REDACTED], PO Angelo, and PO D [REDACTED] provided mostly consistent testimony in regards to this incident (Board Reviews 02, 03, 04). The officers all stated that there was a burglary condition in the entirety of the 75<sup>th</sup> Precinct, which was part of their assignment to address. The officers were not looking for anyone in particular and did not have any descriptions of any potential burglary suspects. PO Angelo stated that they were informed about the burglary condition during roll call on March 28, 2019. PO D [REDACTED] did not recall who informed him about the burglary condition. When the officers saw Mr. T [REDACTED] walking with a ski mask on with his hands in his pockets, they thought he was behaving in a suspicious manner. The officers believed that it was suspicious that Mr. T [REDACTED] was wearing a black ski mask because it was too warm to reasonably do so and in their experience, people who burgle and rob often wear black ski masks when committing these crimes. The officers also stated that they were less than a car length away from Mr. T [REDACTED] when an officer first started to speak to him, although it is disputed what was said at the time.

Sgt. H[REDACTED] stated that either PO D[REDACTED] or PO Angelo called out from the car, identifying themselves as police officers and said something to the effect of “Where you going, pal?” Mr. T[REDACTED] did not change directions while walking. Mr. T[REDACTED] did not respond to the officers. Mr. T[REDACTED] “bladed his body” by turning his hips away from the police car and walking at a quicker pace. Once Mr. T[REDACTED] began blading his body, either PO D[REDACTED] or PO Angelo asked Mr. T[REDACTED] to stop but he refused to stop or talk to the officers. Sgt. H[REDACTED] stated that he was “100 percent” sure that an officer told Mr. T[REDACTED] to stop multiple times while the officer was in the car but he just did not recall which one did so. Mr. T[REDACTED] walked into a yard, through a gate, and upstairs of a building. Sgt. H[REDACTED] did not know how Mr. T[REDACTED] opened the gate and did not know if he reached over the gate to unlatch it. Mr. T[REDACTED] abruptly entered the yard in a manner that Sgt. H[REDACTED] interpreted as Mr. T[REDACTED] just trying to get away from the officers as opposed to the behavior of someone who actually lived in the building. All of the officers then exited the vehicle; the officers either exited the car immediately prior to Mr. T[REDACTED] opening the gate or immediately afterwards. While walking toward Mr. T[REDACTED], Sgt. H[REDACTED] told him to “stop” multiple times but Mr. T[REDACTED] continued walking.

PO Angelo stated that he was the only officer to speak with Mr. T[REDACTED] while the officers were inside the vehicle. PO Angelo stated that while walking Mr. T[REDACTED] bladed his body away from the officers, as if he were attempting to conceal something. PO Angelo told Mr. T[REDACTED] to “stop” twice but Mr. T[REDACTED] continued walking. After Mr. T[REDACTED] continued walking following PO Angelo’s second attempt to verbally command him to stop, the officers got out of the vehicle. Mr. T[REDACTED] continued walking and went behind a gate that said, “Private property- no trespassing.” Behind the gate, there was a small path leading to a couple of stairs leading up to a front door of a residential building. The officers also went behind the gate.

PO D[REDACTED] stated that he spoke to Mr. T[REDACTED] from the car and said saying something to the effect of, “Hi, how are you doing? I’m Officer D[REDACTED] Mr. T[REDACTED] did not respond but continued walking. Once noticing the officers, Mr. T[REDACTED] momentarily changed directions for a “few steps” and then double backed so he was going the same way he was going originally. It seemed like Mr. T[REDACTED] was “confused” as to where he was going. PO D[REDACTED] found this “double backing” suspicious based on his years of training as a police officer. It appeared that Mr. T[REDACTED] could have been concealing something or changing his mind on committing a crime because he saw the police.

The Stop Report prepared by PO Angelo, and approved by Sgt. H[REDACTED], noted that Mr. T[REDACTED] was stopped because PO Angelo suspected he was committing burglary and that the factors that led to the stop were that Mr. T[REDACTED] was casing a location and ignored orders to stop for police (Board Review 05).

A Weather Underground search revealed that the temperature at approximately 1:51AM on March 28, 2019, the temperature in New York City was 37 degrees Fahrenheit (Board Review 06).

A request for robbery pattern worksheets generated in the vicinity of the 75<sup>th</sup> Precinct for the month of March 2019 has been requested and the results of this request will be added to the case file upon receipt (Board Review 07).

A stop requires reasonable suspicion that the individual being stopped has committed, is committing, or is about to commit a crime. People v. DeBour, 40 N.Y.2d (Board Review 08).

An individual with a weighted down jacket making a motion to blade his body and changing directions upon observing police in a high-crime location may provide officers with founded suspicion to question, but does not give rise to the reasonable suspicion needed to justify a stop and frisk. People v. Gerard, 94 A.D.3d 592 (Board Review 09).

Behavior that is susceptible to an innocuous interpretation, even in a high crime area, is not sufficient to establish reasonable suspicion. People v. Hampton 200 A.D.2d 466 (Board Review 10).

Patrol Guide Procedure 212-11 states that in Level 1 and Level 2 encounters, the person may refuse to answer questions and/or walk or even run away. Refusal to answer questions and/or walking or running away does not escalate the encounter. At this level, the officer may not create a situation (either by words or actions) where a reasonable person would not feel free to leave (Board Review 11).

While the officers stated that it was too warm to wear a full ski mask, the investigation determined that 37-degree weather is not warm enough for wearing a ski mask to be inherently suspicious. Similarly, as keeping ones' hands in their pockets, especially during cold weather, is easily susceptible to an innocuous interpretation, it is not sufficient to establish reasonable suspicion under Hampton. The ski mask, in combination with the hands in the pockets, only provided an objective credible reason, corresponding with a level 1 inquiry. While the officers cited a robbery pattern, they did not provide any specific information about the nature of the robberies or the perpetrators. Even if the investigation credited the officers in that Mr. T■■■■ was blading his way from them after they initially started to speak to them, this still would have only amounted to founded suspicion, under Gerard.

Both PO Angelo and Sgt. H■■■■ testified that Mr. T■■■■ was told to stop prior to him opening the gate of the building. Refusing to acknowledge their attempts to question him and that the fact that he would not speak to the officers further raised their suspicion. Ignoring officers is also listed as one of the factors for the stop on the Stop Report. According to the Patrol Guide, Mr. T■■■■ was permitted to continue walking and refuse to answer questions without escalating the encounter. While Mr. T■■■■ did not stop at PO Angelo's instruction, the investigation determined that a reasonable person when hearing an officer telling them to stop would not feel free to leave. Additionally, the officers acted in such a manner that made it clear that Mr. T■■■■ was not free to go since they ultimately impeded his movement by continuing to follow and call after him. The officers themselves characterized this situation as one where Mr. T■■■■ was not free to ignore their questions. As the officers did not have reasonable suspicion to stop Mr. T■■■■ under Debour, it is recommended that **Allegations A, B, and C** be closed as **substantiated**.

**Allegation D-Abuse of Authority: Police Officer Tyler Angelo drew his gun.**

Mr. T■■■■ stated that PO Angelo drew his gun and pointed it to the ground while he approached him.

PO Angelo, Sgt. H■■■■, and PO D■■■■ all denied that PO Angelo drew his gun during this incident.

Due to the lack of video footage and independent witnesses, the investigation could not reconcile the difference in Mr. T■■■■ and the officers' testimonies. As the investigation is unable to establish whether PO Angelo drew his gun, it is recommended that **Allegation D** be closed as **unsubstantiated**.

**Allegation E-Abuse of Authority: Police Officer B■■■■ D■■■■ questioned N■■■■ T■■■■:**

**Allegation F-Abuse of Authority: Sergeant M■■■■ H■■■■ questioned N■■■■ T■■■■:**

Mr. T■■■■ stated that after the officers grabbed his arms, officers asked him multiple questions without giving him a chance to respond. The questions consisted of "What are you doing here? Do you live here? What do you got in your pockets? You got a gun on you?" Mr. T■■■■ could not

attribute any of the questions to any specific officer but stated that PO Angelo was quiet. Mr. T■■■■ told the officers that he lived in the building.

The only question that Sgt. H■■■■ recalled being posed to Mr. T■■■■ was either PO D■■ or PO Angelo asking him from the car where he was going. Neither PO Angelo nor PO D■■ recalled asking Mr. T■■■■ any questions. Sgt. H■■■■, PO Angelo, and PO D■■ stated in their CCRB interviews that they did not recall asking Mr. T■■■■ if he had a gun and that they did not recall any officer asking that question. PO D■■ noted that this would have been a “normal” question to ask but he did not recall it being asked on that specific night.

All of the officers testified to having suspected that Mr. T■■■■ may have been armed. PO Angelo believed this because of the quick manner in which Mr. T■■■■ was moving, the fact that he ignored his initial commands to stop, and because Mr. T■■■■ refused to take his hands out of his pockets. PO D■■ believed this because he had his hands in his pockets by his waistband and it “looked like he was holding onto something.” PO D■■ was asked how it looked like Mr. T■■■■ was holding on to something. PO D■■ responded that he could not tell if Mr. T■■■■ was holding on to something. There was a bulge in the pockets but PO D■■ could not tell if the bulge was caused by Mr. T■■■■’s hands alone or if there was something in his pockets. Sgt. Hanson testified that he believed Mr. T■■■■ “may” have had a weapon on his person because of the way he bladed his body when officers initially tried to speak to him and because of the mask, which indicated to Sgt. H■■■■ that Mr. T■■■■ may be committing or about to commit a burglary. Sgt. H■■■■ also noted that “you could also say that he absolutely could have had a weapon based on the way he wouldn’t take his hands out of his pockets, that he was concealing his identity, and refusing to stop.”

An officer requires an objective, credible reason to approach an individual and request general information from them. An officer requires a founded suspicion that criminality is afoot in order to ask an individual pointed or accusatory questions. People v. Hollman 79 N.Y.2d 181 (Board Review 12).

As the investigation determined in the discussion in Allegation A-C that officers had founded suspicion under Gerard at the time of the stop, they were permitted under Hollman to ask pointed questions. While no officer acknowledged asking Mr. T■■■■ if he had a gun, it would have been permissible if they did so. It is recommended that **Allegation E** and **F** be closed as **exonerated**.

**Allegation G- Abuse of Authority: Police Officer B■■ D■■ frisked N■■■■ T■■■.**

It is undisputed that Mr. T■■■■ was frisked.

Mr. T■■■■ stated that after the officers asked questions, they patted him down his chest, waist, and thigh area. The officers did not pat down his lower legs or his arms at any point. It was around this time when Ms. B■■■■ came outside and asked what was going on. Mr. T■■■■ stated that he was only asked to remove his hands from his pocket following the conclusion of the frisk.

As noted in the discussion of Allegations E and F, the officers all testified as to suspecting that Mr. T■■■■ was armed. PO D■■ stated that there was a bulge in the pockets but PO D■■ could not tell if the bulge was caused by Mr. T■■■■’s hands alone or if there was something in his pockets. PO D■■ stated that prior to frisking Mr. T■■■■, he asked Mr. T■■■■ to remove his hands from his pockets, and Mr. T■■■■ complied. PO D■■ no longer observed any bulges in the pockets or on Mr. T■■■■’s waistband. D■■ conducted a frisk of Mr. T■■■■ by feeling around his waistband and his jacket pockets. PO D■■ conducted this frisk because he was concerned that Mr. T■■■■ had a weapon. PO D■■ did not feel anything during this frisk.

An individual with a weighted down jacket making a motion to blade his body and changing directions upon observing police in a high-crime location may provide officers with founded suspicion to question but does not give rise to the reasonable suspicion needed to justify a stop and frisk. People v. Gerard, 94 A.D.3d 592 (Board Review 08).

An individual may frisk an individual when he reasonably suspects that he or she is in danger of physical danger by virtue of the individual being armed. People v. Debour, 40 N.Y.2d 210 (Board Review 07).

When an officer's observation of a bulge on a pedestrian's person is "readily susceptible of an innocent as well as a guilty explanation", those observations alone cannot justify a frisk. People v. Stevenson, 7 A.D.3d 820 (Board Review 13).

As stated in the analysis for Allegations A, B, and C, the investigation determined that officers did not have reasonable suspicion that Mr. T■■■■ had committed or was committing a crime. PO D■■■ stated that the reason he initially believed that Mr. T■■■■ was armed was because of the bulges on his person. However, under Stevenson, there could have conceivably been an innocuous reason for those bulges and is therefore insufficient to conduct a frisk. Further, PO D■■■ expressed that he believed that Mr. T■■■■ was armed but stated that at the time of the frisk, he did not observe any bulges on Mr. T■■■■'s person. Thus, PO D■■■ did not have the requisite reasonable suspicion to suspect that Mr. T■■■■ was armed or was otherwise in possession of a weapon. As the investigation determined that the frisk was improper, it is recommended that **Allegation G** be closed as **substantiated**.

**Allegation H- Abuse of Authority: Sergeant M■■■■ H■■■■ frisked N■■■■ T■■■.**

**Allegation I- Abuse of Authority: Police Officer Tyler Angelo frisked N■■■■ T■■■.**

Mr. T■■■■ alleged that all of the officers participated in frisking him.

Ms. B■■■■ stated that she observed PO D■■■ patting Mr. T■■■■'s chest and back but did not observe any other officer patting Mr. T■■■■'s body.

PO Angelo and Sgt. H■■■■ affirmed that Mr. T■■■■ was frisked but neither officer recalled who conducted the frisk. Both officers denied frisking Mr. T■■■■ themselves.

Without video evidence, the investigation could not establish by a preponderance of the evidence as to whether Sgt. H■■■■ or PO Angelo participated in frisking Mr. T■■■■. It is therefore recommended that **Allegations H** and **I** be closed as **unsubstantiated**.

**Allegation J- Abuse of Authority: Police Officer B■■■ D■■■ threatened to arrest N■■■■ T■■■.**

Mr. T■■■■ alleged that after Ms. B■■■■ came outside and informed the officers that he lived at the location, PO D■■■ asked him for his name and identification. PO D■■■ asked Mr. T■■■■ for his ID; Mr. T■■■■ said, "No, for what?" PO D■■■ did not provide a reason but stated, "If you don't give me your name, I'm going to take you down to the precinct." Mr. T■■■■ took this to mean that the officer would arrest him. Mr. T■■■■ then provided his first and last name and said, "Take it or leave it."

Ms. B■■■■ stated that she heard PO D■■■ and PO Angelo ask Mr. T■■■■ for his name. Ms. B■■■■ asked the officers why they wanted his name and PO D■■■ responded that Mr. T■■■■ had to give the officers his name because they had asked where he was going and what his name was. Ms. B■■■■ told the officers that he was coming inside ■■■■ Atkins Avenue because he lived there. PO D■■■ told Ms. B■■■■ that that when an officer asked for someone's name, it did not matter what they were



doing, they had to provide their name to the officers. The officers requested Mr. T■■■■'s name and his ID multiple times but Mr. T■■■■ refused and continually stated that he had not done anything wrong. The officers told Mr. T■■■■ that if he did not provide his name, they would "take him in." Mr. T■■■■ then provided his name.

All of the officers denied that PO D■■■■ told Mr. T■■■■, "If you don't give me your name, I'm going to take you down to the precinct," and stated that there was nothing that Mr. T■■■■ could have been arrested for. The officers stated that they requested Mr. T■■■■'s name in order to check that he lived in the building as he said he did.

Sgt. H■■■■ stated that Ms. B■■■■ came outside and told the officers that Mr. T■■■■ lived in the building. Afterwards, an officer, although Sgt. H■■■■ did not recall who and stated that it might have been himself, asked Mr. T■■■■ for his name. Mr. T■■■■'s name was required because Sgt. H■■■■ wanted to verify that Mr. T■■■■ did live in the house. Mr. T■■■■ did not provide his name at any point.

PO Angelo stated that Ms. B■■■■ came outside and told officers that Mr. T■■■■ was okay to come inside the building but he did not recall at what point in the incident this happened.

PO D■■■■ stated that while he did not make the alleged remark, he did "advise" Mr. T■■■■, in asking for his name, that if he provided a false name, that they would take him down to the precinct. PO D■■■■ stated that he asked for Mr. T■■■■'s name prior to Ms. B■■■■ coming outside and informing the officers that Mr. T■■■■ lived at the building. After obtaining Mr. T■■■■'s name, PO D■■■■ conducted an audit for him and determined that he did not have any open warrants.

NY Penal Law Section 190.23 states that "A person is guilty of false personation when after being informed of the consequences of such act, he or she knowingly misrepresents his or her actual name, date of birth or address to a police officer or peace officer with intent to prevent such police officer or peace officer from ascertaining such information" (Board Review 14).

While PO D■■■■ was correct in stating that someone could be arrested for providing false pedigree information to a police officer, the investigation determined that in the context of this interaction, this was not a mere statement of fact but was rather a threat designed to intimidate Mr. T■■■■ in providing his name. While the officers stated that they wanted Mr. T■■■■'s name, Mr. T■■■■, Ms. B■■■■ and Sgt. H■■■■ all stated that at the time of the request, Ms. B■■■■ had already confirmed that Mr. T■■■■ lived in the building. Therefore, there was no legitimate law enforcement purpose in stating Mr. T■■■■ could have been arrested for not providing information, and Mr. T■■■■ was under no obligation to provide this information to the officers. Additionally, while PO D■■■■ did state a fact in stating that Mr. T■■■■ could have been arrested if he provided false information, Mr. T■■■■ had given no indication of intent to provide a false name but was rather refusing to provide any name. As the investigation determined that PO D■■■■ threatened to arrest Mr. T■■■■ in an attempt to intimidate him into providing his name, it is recommended that **Allegation J** be closed as **substantiated**.

**Allegation K- Abuse of Authority: Sergeant M■■■■ H■■■■ failed to provide N■■■■ T■■■■ with a business card.**

**Allegation L- Abuse of Authority: Police Officer B■■■■ D■■■■ failed to provide N■■■■ T■■■■ with a business card.**

**Allegation M- Abuse of Authority: Police Officer Tyler Angelo failed to provide N■■■■ T■■■■ with a business card.**

It is undisputed that the officers, who were working in plainclothes, did not provide Mr. T■■■■ with

business cards after they conducted a stop.

Mr. T■■■ stated that PO D■■■ showed Sgt. H■■■ something on his phone after looking up his name and then the officers left. Mr. T■■■ did not receive any paperwork from this incident. Mr. T■■■ did not testify that the officers provided him with any identifying information.

Sgt. H■■■ stated that he told Mr. T■■■ his name and that he worked out of the 75<sup>th</sup> Precinct but that he did not give Mr. T■■■ a business card. Sgt. H■■■ did not provide Mr. T■■■ with a card because he did not have an opportunity to do so. Sgt. H■■■'s business cards were in the car and he did not have time to go back and get his cards prior to Mr. T■■■ walking back into the building.

PO Angelo stated that he did not provide Mr. T■■■ with a business card. PO Angelo stated that he did not believe that he would be required to issue Mr. T■■■ a business card because it "was such a brief encounter" and because Mr. T■■■ shook their hands and stated that he fully understood the reason for the stop. There was "no confusion" and therefore "no reason" to issue Mr. T■■■ a business card.

PO D■■■ stated that he did not provide Mr. T■■■ with a business card at the conclusion of their interaction. PO D■■■ provided Mr. T■■■ with his name and shield number. PO D■■■ did not have any business cards on his person at the time. PO D■■■ hands the business cards out "often" so he believes he may have ran out.

The UF 250 Stop Report regarding this interaction, which was prepared by PO Angelo and approved by Sgt. H■■■, notes that business cards were not offered to Mr. T■■■ because he was uncooperative.

Patrol Guide Procedure 203-09 states that officers must offer business cards when they conduct law enforcement activities such as stops where an officer has an individualized reasonable suspicion that the person has committed, is committing, or is about to commit a crime, and where a reasonable person would not feel free to end the encounter, and where a frisk has been conducted (Board Review 15). An officer does not have to offer a business card in cases where a summons is issued or an arrest is made.

Mr. T■■■ was not arrested or summonsed but was stopped on suspicion that he was committing, or about to commit, a crime. As such, the officers were required to issue him business cards. While PO Angelo and PO D■■■ testified that they did not believe that they were required to provide Mr. T■■■ with their business card, this is not the case given Patrol Guide 203-09. Additionally, PO Angelo's testimony that no business card was required and that the issuance of the card was not necessary because Mr. T■■■ understood the reason for the stop and shook the officers' hands at the conclusion of the interaction contradicts the Stop Report he completed in which he said that no business card was provided because Mr. T■■■ was uncooperative. As Sgt. H■■■, PO Angelo, and PO D■■■ failed to provide Mr. T■■■ with business cards, it is recommended that **Allegations K, L, and M** be closed as **substantiated**.

**Allegation N- Other Misconduct: Sergeant M■■■ H■■■ improperly used his body-worn camera according to Patrol Guide Procedure 212-123.**

**Allegation O- Other Misconduct: Police Officer B■■■ D■■■ improperly used his body-worn camera according to Patrol Guide Procedure 212-123.**

**Allegation P- Other Misconduct: Police Officer Tyler Angelo improperly used his body-worn camera according to Patrol Guide Procedure 212-123.**

It is undisputed that all of the officers did not turn their body-worn cameras on at any point during

this incident.

The officers were unsure as to when they were equipped with body-worn cameras. The BWC deployment schedule shows that Sgt. H [REDACTED], PO D [REDACTED] and PO Angelo were equipped with cameras on October 25, 2018 (Board Review 16), five months prior to this incident.

Sgt. H [REDACTED] and PO D [REDACTED] both stated that the reason that they did not turn on their cameras was because the incident happened too quickly, and they did not remember to turn their cameras on.

PO Angelo stated the reason that he did not turn on his BWC during the incident because it was not “tactically sound.” It was not tactically sound because PO Angelo did not know if Mr. T [REDACTED] had a weapon on him that could hurt him. PO Angelo’s instinct was not to go to his camera but to make sure that Mr. T [REDACTED] did not have a weapon.

According to Patrol Guide Procedure 212-123, officers are to activate their body-worn cameras prior to engaging in, or assisting another uniformed member of the service, with public interactions that escalate and become adversarial, and interactions with persons suspected of criminal activity (Board Review 17).

The officers should have had their body-worn cameras on as Mr. T [REDACTED] was suspected of criminal activity. According to the officers, they first observed Mr. T [REDACTED] while they were in the safety of their vehicle, and all officers stated that they began interacting with Mr. T [REDACTED] prior to exiting their vehicles to approach him. The officers provided no explanation as to why they did not activate their body-worn cameras after PO D [REDACTED] frisked Mr. T [REDACTED] and ascertained that he was not in possession of a weapon. Further, in PO Angelo’s account to the CCRB, the interaction concluded with Mr. T [REDACTED] shaking hands with the officers. If this was the case, then there was opportunity for the officers to activate their body-worn cameras during this less-stressful portion of the interaction. While PO Angelo stated that it was not “tactically sound” to do so at the beginning of the interaction, the investigation determined that he should have turned it on at some point. It is therefore recommended that Sgt. H [REDACTED], PO D [REDACTED] and PO Angelo be cited for **other misconduct**.

**Allegation Q- Other Misconduct: Police Officer B [REDACTED] D [REDACTED] failed to prepare a memo book entry as required.**

**Allegation R- Other Misconduct: Police Officer Tyler Angelo failed to prepare a memo book entry as required.**

Neither PO D [REDACTED] nor PO Angelo prepared memo book entries in regards to this incident.

According to Patrol Guide Procedure 212-08, a member of service must record a chronological activity log of tasks completed upon reporting for duty (Board Review 18).

As the aforementioned officers failed to prepare memo book entries in regards to this incident, it is recommended that they be cited for **other misconduct**.

#### **Civilian and Officer CCRB Histories**

- [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- Police Officer Tyler Angelo has been a member of service for [REDACTED] years and has been a subject in two CCRB complaints and two allegations, neither of which have been substantiated. PO Angelo’s CCRB history does not reflect a pattern pertinent to this investigation.

**Mediation, Criminal, and Civil Histories**

- [REDACTED]
- As of January 9, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim filed in regards to this incident (Board Review 19).
- [REDACTED]

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature	Print Title & Name	Date
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Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
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